

March 30, 2018

Honorable John F. Keenan
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *City of New York v. BP p.l.c., et al.*, Case No. 18-cv-182-JFK (S.D.N.Y.)

Dear Judge Keenan:

Counsel for the City of New York (“Plaintiff”) and counsel for Chevron Corporation (“Chevron”), Exxon Mobil Corporation (“Exxon”), ConocoPhillips (“ConocoPhillips,” and collectively, the “U.S.-based Defendants”), BP p.l.c. (“BP”), and Royal Dutch Shell plc (“RDS,” and collectively, the “Defendants”) have conferred regarding the schedule for responses to Plaintiff’s Amended Complaint in this action. Counsel for Plaintiff and the U.S.-based Defendants jointly submit, for the Court’s consideration, the proposed briefing schedule attached hereto as Exhibit A.

On March 9, 2018, the Court ordered that briefing for motions to dismiss Plaintiff’s original complaint proceed according to the schedule set forth in the attached order, Exhibit B (Dkt. 71), as agreed by the parties. The Court scheduled oral argument on U.S.-based Defendants’ Rule 12(b)(1) and 12(b)(6) motions for June 13, 2018 at 11:00 a.m. *Id.* ¶ 1(f). The Court’s Order deferred further briefing on Rule 12(b)(2) issues until the Court ruled on Defendants’ Rule 12(b)(1) and 12(b)(6) motions. *Id.* ¶ 4. The Court also ordered, “pending further order of the Court, neither BP nor RDS need respond to the Plaintiff’s Complaint.” *Id.* ¶ 3.

On March 16, 2018, Plaintiff filed an Amended Complaint. In accordance with Federal Rule of Civil Procedure 15(a)(3), the U.S.-based Defendants have today served their motions to dismiss the Amended Complaint, along with their accompanying motion papers. Courtesy copies of these papers are anticipated to arrive in the Court’s chambers by Monday, April 2.

Plaintiff and the U.S.-based Defendants have agreed that Plaintiffs’ opposing papers must be served by April 25, and that the U.S.-based Defendants’ reply papers must be served by May 4. This agreement would retain, as set forth in the Court’s March 9 Order, the deferral of further briefing on Rule 12(b)(2) issues, and the deferral of briefing for the anticipated motions to dismiss of BP and RDS. The agreement would also retain June 13,

Honorable John F. Keenan
March 30, 2018
Page 2

2018 for oral argument on the U.S.-based Defendants' motions, in accordance with the Court's March 9 Order.

Respectfully submitted,

/s/ Anne Champion
Anne Champion
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193
achampion@gibsondunn.com
(212) 351-5361

Counsel for Chevron

/s/ Matthew F. Pawa
Matthew F. Pawa¹
Hagens Berman Sobol Shapiro LLP
1280 Centre Street, Suite 230
Newton Centre, MA 02459
mattp@hbsslaw.com
(617) 641-9550

Counsel for the Plaintiff

/s/ John F. Savarese
John F. Savarese
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
JFSavarese@wlrk.com
(212) 403-1235

Counsel for ConocoPhillips

¹ The parties use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.

Honorable John F. Keenan
March 30, 2018
Page 3

/s/ Jaren Janghorbani

Jaren Janghorbani
Paul, Weiss, Rifkind, Wharton &
Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
jjanghorbani@paulweiss.com
(212) 373-3211

Counsel for Exxon

/s/ Jerome C. Roth

Jerome C. Roth
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105-2907
jerome.roth@mto.com
(415) 512-4000

Counsel for Royal Dutch Shell plc

/s/ Nancy G. Milburn

Nancy G. Milburn
Arnold & Porter Kaye Scholer LLP
250 West 55th Street,
New York, NY 10022
Nancy.milburn@arnoldporter.com
(212) 836-8383

Counsel for BP p.l.c.